

Please add new claim 25:

25. (New) The method of claim 1, wherein said single-phase amplification comprises a four-enzyme mix wherein said enzymes are selected from the group consisting of DNA polymerase, RNA polymerase, reverse transcriptase, terminal transferase, ligase, and RNase.

Please refer to the attachment for the marked up version of the amended claim, pursuant to revised 37 C.F.R. 1.121(c).

REMARKS

Applicants respectfully request reconsideration of the pending rejections and reexamination of the present application in light of the amendments and the remarks detailed below.

Claims 1-13 and 20-24 are pending in this application. Claim 2 has been canceled. Claim 1 has been amended to include the elements of canceled claim 2. Applicants note that claims 14-19 are withdrawn from further consideration as being drawn to a nonelected invention, as recited in page 1 of Paper No. 4.

By these amendments, the Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which the Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997); and *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 56 U.S.P.Q.2d 1865 (Fed. Cir. 2000).

Non-statutory Double Patenting

On pages 2-3 of Paper No. 6, the Examiner rejected provisionally claims 5-8 and 10-22 under the judicially created doctrine of obviousness-type double patenting over claims 1-17, 24-43 and 50-69 of co-pending Application No. 09/285,658. It remains unknown what subject matter claimed and disclosed in the present application and co-pending application 09/285,658 will be deemed allowable; hence any statement regarding this rejection made on Applicants' part would be premature. Hence, Applicants respectfully traverse this rejection, and request that this provisional rejection should be held in abeyance until subject matter is deemed allowable in each of the applications.